

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THANH QUANG,

Plaintiff,

v.

CSP CALIFORNIA MEDICAL
FACILITY,

Defendant.

No. 2:22-cv-1703 KJN P

ORDER

Plaintiff is a state prisoner, proceeding pro se. Plaintiff's complaint was filed with the court on September 27, 2022. However, the court's records reveal that on July 28, 2022, plaintiff filed a complaint containing virtually identical allegations in Quang v. CSP California Medical Facility, No. 2:22-cv-1341 CKD P (E.D. Cal.).¹ On September 2, 2022, plaintiff was granted leave to file an amended complaint in that case. Id. Although plaintiff did not style the instant pleading as an "amended complaint," or include the case number No. 2:22-cv-1341 CKD P, as required by the September 2, 2022 order, due to the nature of his allegations, plaintiff's complaint should be construed as an amended complaint and filed in his prior case.

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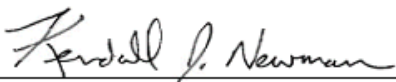
¹ A court may take judicial notice of court records. See MGIC Indem. Co. v. Weisman, 803 F.2d 500, 505 (9th Cir. 1986); United States v. Wilson, 631 F.2d 118, 119 (9th Cir. 1980).

1 Therefore, the Clerk of the Court is directed to file plaintiff's complaint (ECF No. 1) as an
2 amended complaint in Quang, No. 2:22-cv-1341 CKD P. Because this action was improvidently
3 opened, the Clerk of the Court is directed to terminate this action.

4 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court:

- 5 1. File plaintiff's complaint (ECF No. 1) as an amended complaint in Quang, No. 2:22-
6 cv-1341 CKD P; and
7 2. Terminate the instant action.

8 Dated: October 11, 2022

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10 KENDALL J. NEWMAN
11 UNITED STATES MAGISTRATE JUDGE

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